

103D CONGRESS
1ST SESSION

S. 1270

To establish the Cache La Poudre River National Water Heritage Area
in the State of Colorado.

IN THE SENATE OF THE UNITED STATES

JULY 21 (legislative day, JUNE 30), 1993

Mr. BROWN introduced the following bill; which was read twice and referred
to the Committee on Energy and Natural Resources

A BILL

To establish the Cache La Poudre River National Water
Heritage Area in the State of Colorado.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Cache La Poudre River
5 Basin Heritage Study Act”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—The Congress finds that—

8 (1) the Cache La Poudre River basin contains
9 significant historical, recreational, scenic, cultural,
10 natural, economic, and scientific resources; and

1 (2) sites and structures within the Cache La
2 Poudre River Basin represent—

3 (A) the development and management of
4 water resources critical to the westward expan-
5 sion of the Nation; and

6 (B) the sociocultural evolution of a work-
7 ing river, from aboriginal tribes through early
8 exploration, nineteenth century settlement, de-
9 velopment of a water dependent agricultural
10 economy, through the ongoing transition to
11 present day urban development.

12 (b) The purposes of this Act are—

13 (1) to identify and assess the management al-
14 ternatives encompassing the resources and themes of
15 western water development in the United States; and

16 (2) to evaluate strategies for multiobjective uses
17 and protection of the Cache La Poudre floodplain
18 through development of a River Greenway Plan.

19 **SEC. 3. CACHE LA POUFRE RIVER BASIN HERITAGE STUDY.**

20 (a) IN GENERAL.—The Secretary of the Interior
21 (hereinafter referred to as the “Secretary”) shall prepare
22 a study of alternatives for the Cache La Poudre River
23 Basin in the State of Colorado. The study shall include,
24 but not be limited to—

1 (1) an inventory and assessment of significant
2 cultural, natural, recreational, and scenic resources
3 throughout the Cache La Poudre River Basin, using
4 existing information where available;

5 (2) an evaluation of properties to determine po-
6 tential eligibility for inclusion on the National Reg-
7 ister of Historic Places;

8 (3) the suitability and feasibility of designating
9 the Cache La Poudre River Basin as a National
10 Heritage Area;

11 (4) the identification of themes, resources, and
12 events which illustrate how settlement of the West
13 was dependent upon and dictated by the develop-
14 ment and management of water;

15 (5) the development of a Greenway Plan for the
16 floodplain of the Cache La Poudre River that ad-
17 dresses—

18 (A) appropriate and compatible rec-
19 reational opportunities;

20 (B) protection of fish and wildlife habitat;

21 (C) maintenance or improvement of water
22 quality;

23 (D) protection of wetlands;

24 (E) maintenance of natural hydrological
25 processes;

1 (F) maintenance of riparian vegetation;
2 and

3 (G) flood protection through resource pro-
4 tection and development;

5 (6) an evaluation of the demonstration project
6 undertaken by the Secretary pursuant to subsection
7 (d), including recommendations for the disposition of
8 any lands acquired pursuant to such project;

9 (7) the identification of interpretive opportuni-
10 ties and methods;

11 (8) the identification of preservation strategies
12 for resources located within the Cache La Poudre
13 River Basin; and

14 (9) management alternatives and funding op-
15 tions for the implementation of such preservation
16 strategies.

17 (b) CONSULTATION.—The study referred to in sub-
18 section (a) shall be prepared in consultation with the
19 Cache La Poudre River Basin Heritage Advisory Commis-
20 sion established pursuant to section 4, affected units of
21 local governments, and other interested public and private
22 entities.

23 (c) REPORT TO CONGRESS.—The study shall be com-
24 pleted no later than two years after the date funds are
25 made available for the purposes of this section. Upon com-

1 pletion, the Secretary shall transmit such report to the
2 Committee on Energy and Natural Resources of the Unit-
3 ed States Senate and the Committee on Interior and Insu-
4 lar Affairs of the United States House of Representatives.

5 (d) DEMONSTRATION PROJECT.—(1) In furtherance
6 of the purposes of this Act, the Secretary, in consultation
7 with the Cache La Poudre River Heritage Commission es-
8 tablished by section 4, is authorized to undertake a dem-
9 onstration project to evaluate the potential of using vol-
10 untary land exchanges within the Cache La Poudre River
11 floodplain (hereinafter referred to as the “floodplain”) as
12 a means to provide for the long-term preservation and
13 management of the lands within the floodplain.

14 (2) During the period of the study, the Secretary or
15 the head of a Federal agency is authorized to acquire
16 lands within the floodplain in Larimer and Weld Counties
17 in the State of Colorado only through voluntary land ex-
18 changes: *Provided*, That such land exchanges shall be on
19 an equal value basis, and shall be conducted in accordance
20 with applicable law.

21 (3) Lands acquired pursuant to this subsection shall
22 be managed in a manner that does not preclude the imple-
23 mentation of any management alternative identified in the
24 study of alternatives or the Greenway Plan referred to in
25 subsection (a).

1 (4) Where appropriate, the Secretary shall seek to
 2 enter into memoranda of agreement with other Federal
 3 agencies to manage land administered by such agencies
 4 within the floodplain, consistent with the purposes of this
 5 Act.

6 **SEC. 4. CACHE LA POUDE RIVER BASIN HERITAGE ADVI-**
 7 **SORY COMMISSION.**

8 (a) ESTABLISHMENT.—There is established the
 9 Cache La Poudre River Basin Heritage Advisory Commis-
 10 sion (hereinafter referred to as the “Commission”), to ad-
 11 vise the Secretary on the preparation of the study referred
 12 to in section 3(a).

13 (b) MEMBERSHIP.—The Commission shall be com-
 14 posed of 15 members appointed by the Secretary as fol-
 15 lows—

16 (1) the Director of the National Park Service,
 17 or the Director’s designee, ex officio;

18 (2) the Secretary of Agriculture, acting through
 19 the Chief of the Forest Service, or the Chief’s des-
 20 ignee, ex officio;

21 (3) nine members from recommendations sub-
 22 mitted by the Governor of the State of Colorado, in-
 23 cluding one member each to represent—

24 (A) the State;

25 (B) Colorado State University;

1 (C) the Northern Colorado Water Conser-
2 vancy District;

3 (D) the city of Fort Collins;

4 (E) Larimer County;

5 (F) the city of Greeley; and

6 (G) Weld County;

7 and two members to represent the general public,
8 who reside in the study area.

9 (c) CHAIRPERSON.—The members of the Commission
10 shall elect a chairperson from among its members.

11 (d) VACANCIES.—Vacancies on the Commission shall
12 be filled in the same manner in which the original appoint-
13 ment was made.

14 (e) MEETINGS.—The Commission shall meet at the
15 call of the Chairperson.

16 (f) COMPENSATION.—Members of the Commission
17 shall receive no compensation on account of their service
18 on the Commission. While away from their homes or regu-
19 lar places of business in the performance of services for
20 the Commission, members shall be allowed travel expenses,
21 including per diem in lieu of subsistence, in the same man-
22 ner as persons employed intermittently in the Government
23 service are allowed expenses under section 5703 of title
24 5, United States Code.

1 (g) WAIVER.—The provisions of section 14(b) of the
2 Act of October 6, 1972 (86 Stat. 776), are hereby waived
3 with respect to this Commission.

4 (h) ANNUAL REPORTS.—The Commission shall pub-
5 lish and submit to the Secretary and the Governor of the
6 State of Colorado an annual report concerning the Com-
7 mission's activities.

8 (i) TERMINATION.—The Commission shall terminate
9 upon the completion of the study referred to in section
10 3.

11 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated such sums
13 as are necessary to carry out this Act.

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